Listing of Claims:

1.   (Currently Amended) ~~A rewrite control~~ An apparatus
~~for an onboard program,~~ comprising:

an onboard controller <u>which is</u> provided in a vehicle, <u>and</u>
<u>which executes processing in accordance with an onboard program;</u>
5   <u>and</u>

~~wherein~~ a <u>first</u> storage medium ~~of~~ <u>including a data area in</u>
<u>which vehicle condition data collected by</u> an information
collection controller of said onboard controller is <u>stored;</u>
~~provided with a data area for storing vehicle condition data;~~

10   wherein when a command <u>is given</u> to rewrite the onboard
program into a new onboard program ~~is given,~~ ~~said rewrite control~~
~~apparatus writes and saves~~ the vehicle condition data stored in
said data area ~~into~~ <u>is written and saved in one of: (i)</u> a storage
area ~~which is~~ in said <u>first</u> storage medium ~~and~~ <u>which</u> is different
15   from said data area, ~~or into~~ <u>and (ii)</u> a <u>second</u> storage medium
<u>that is</u> different from said <u>first</u> storage medium, and ~~executes~~
<u>wherein</u> rewrite processing ~~of rewriting~~ <u>is then executed to</u>
<u>rewrite</u> the onboard program into the new onboard program; and

wherein when said rewrite processing is finished, ~~said~~
20   ~~rewrite control apparatus performs processing of writing~~ the
saved vehicle condition data <u>is written</u> back into said data area
<u>in the first storage medium.</u>

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2.   (Currently Amended) The ~~rewrite control~~ apparatus ~~for an onboard program~~ according to Claim 1, wherein while said vehicle condition data is saved <u>in the one of said storage area and said second storage medium</u>, said data area <u>in said first storage medium</u> is used as a buffer area for the <u>new</u> onboard program.

3.   (Currently Amended) The ~~rewrite control~~ apparatus ~~for an onboard program~~ according to Claim 1, wherein the <u>second</u> storage medium ~~different from said storage medium is~~ <u>comprises</u> at least ~~any~~ one of<u>:</u> a storage medium provided in said information

5   collection controller separately from said <u>first</u> storage medium, a storage medium which is inside said vehicle and provided outside said information collection controller, and a storage medium in a server which is outside said vehicle and <u>which is</u> communicably connected to said onboard controller ~~by~~

10   ~~communication means~~.

4.   (Currently Amended) The ~~rewrite control~~ apparatus ~~for an onboard program~~ according to Claim 3, wherein while said vehicle condition data is saved <u>in the one of said storage area and said second storage medium</u>, said data area <u>in said first storage medium</u> is used as a buffer area for the <u>new</u> onboard program.

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5.   (Currently Amended) A ~~rewrite control apparatus for an onboard program,~~ system comprising:

~~severs~~ a plurality of servers;

an onboard controller which is provided in a vehicle and

5   which executes processing in accordance with an onboard program; and

a communication ~~means~~ system for communicably connecting said servers and said onboard controller in the vehicle, said vehicle being separate from the servers; [[,]]

10   wherein said ~~rewrite control apparatus has~~ system is operable in both: i) a normal operation mode for transmitting and receiving ~~a~~ vehicle condition information between said servers and said onboard controller, and ii) a rewrite mode for rewriting the onboard program of said onboard controller into a new onboard

15   program transmitted from at least one of said servers, ~~which are~~ and wherein said system is switchable between the two modes in a communication state; and

wherein when an onboard program rewrite command is issued from at least one of said servers, said ~~rewrite control apparatus~~

20   system switches from the normal operation mode to the rewrite mode, and when a command to switch to the normal operation mode is transmitted during the rewrite mode, said ~~rewrite control apparatus~~ system switches from the rewrite mode to the normal operation mode.

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6.   (Currently Amended) The ~~rewrite control apparatus for an onboard program~~ system according to Claim 5, wherein said ~~switching~~ command to switch to the normal operation mode is ~~based on~~ issued in accordance with at least one of a signal from a timer means ~~or~~ and a logout signal.

7.   (Currently Amended) A ~~rewrite control apparatus for an onboard program,~~ system comprising:
     a server;
     an onboard controller which is provided in a vehicle and

5   which executes processing in accordance with an onboard program; and
     a communication ~~means~~ system for communicably connecting said server and said onboard controller in the vehicle, said vehicle being separate from the server; [[,]]

10   wherein when said server is to execute rewrite processing of ~~an~~ the onboard program of said onboard controller via said communication ~~means~~ system, said server determines whether ~~it should~~ or not to execute the rewrite processing of said onboard program ~~or not~~ by ~~referring to~~ analyzing a memory content of said

15   onboard controller.

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8.   (Currently Amended) The ~~rewrite control apparatus for an onboard program~~ system according to Claim 7, wherein when said server determines whether ~~it should~~ or not to execute the rewrite processing of said onboard program ~~or not~~, said server compares

5   the memory content of said onboard controller and a memory content of a master file.

9.   (Currently Amended) The ~~rewrite control apparatus for an onboard program~~ system according to Claim 7, wherein when said server determines whether ~~it should~~ or not to execute the rewrite processing of said onboard program ~~or not~~, said server checks ~~the~~

5   vehicle condition data of said vehicle, and when ~~a content thereof indicates a state in which start~~ contents of the vehicle condition data indicate that starting of said vehicle is locked, said server does not execute the rewrite processing.

10.   (Currently Amended) The ~~rewrite control apparatus for an onboard program~~ system according to Claim 7, wherein when said server determines whether ~~it should~~ or not to execute the rewrite processing of said onboard program ~~or not~~, said server compares

5   the memory content of said onboard controller and a memory content of a master file, and checks ~~the~~ vehicle condition data of said vehicle, and when contents ~~thereof~~ of the vehicle condition data indicate ~~a state in which start~~ that starting of

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said vehicle is locked, said server does not execute the rewrite

10   processing.

        11.   (Currently Amended) The ~~rewrite control apparatus for an onboard program~~ system according to Claim 7, wherein when said server determines whether ~~it should~~ or not to execute the rewrite processing of said onboard program ~~or not~~, said server checks ~~the~~

5   vehicle condition data of said vehicle, and when ~~a content thereof indicates~~ contents of the vehicle condition data indicate that said vehicle is located at a specified position, said server executes the rewrite processing.

        12.   (Currently Amended) The ~~rewrite control apparatus for an onboard program~~ system according to Claim 7, wherein when said server determines whether ~~it should~~ or not to execute the rewrite processing of said onboard program ~~or not~~, said server compares

5   the memory content of said onboard controller and a memory content of a master file, and checks ~~the~~ vehicle condition data of said vehicle, and when contents ~~thereof~~ of the vehicle condition data indicate that said vehicle is located at a specified position, said server executes the rewrite processing.

        13.   (Currently Amended) The ~~rewrite control apparatus for an onboard program~~ system according to Claim 7, wherein the

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memory content of said onboard controller ~~includes~~ <u>comprises</u> at

least ~~any~~ one of said onboard program and vehicle condition data.

14. (Currently Amended) The ~~rewrite control apparatus for~~

~~an onboard program~~ <u>system</u> according to Claim 13, wherein when

said server determines whether ~~it should~~ <u>or not to</u> execute the

rewrite processing of said onboard program or not, said server

compares the memory content of said onboard controller and a

memory content of a master file.

15. (Currently Amended) The ~~rewrite control apparatus for~~

~~an onboard program~~ <u>system</u> according to Claim 13, wherein when

said server determines whether ~~it should~~ <u>or not to</u> execute <u>the</u>

rewrite processing of said onboard program ~~or not~~, said server

5   checks the vehicle condition data of said vehicle, and when ~~a~~

~~content thereof indicates a state in which start~~ <u>contents of the</u>

<u>vehicle condition data indicate that starting</u> of said vehicle is

locked, said server does not execute the rewrite processing.

16. (Currently Amended) The ~~rewrite control apparatus for~~

~~an onboard program~~ <u>system</u> according to Claim 13, wherein when

said server determines whether ~~it should~~ <u>or not to</u> execute the

rewrite processing of said onboard program ~~or not~~, said server

5   compares the memory content of said onboard controller and a

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memory content of a master file, and checks the vehicle condition

data of said vehicle, and when contents ~~thereof~~ of the vehicle

condition data indicate ~~a state in which start~~ that starting of

said vehicle is locked, said server does not execute the rewrite

10   processing.

17.   (Currently Amended) The ~~rewrite control apparatus for an onboard program~~ system according to Claim 13, wherein when

said server determines whether ~~it should~~ or not to execute the

rewrite processing of said onboard program ~~or not~~, said server

5   checks the vehicle condition data of said vehicle, and when ~~a content thereof indicates~~ contents of the vehicle condition data

indicate that said vehicle is located at a specified position,

said server executes the rewrite processing.

18.   (Currently Amended) The ~~rewrite control apparatus for an onboard program~~ system according to Claim 13, wherein when

said server determines whether ~~it should~~ or not to execute the

rewrite processing of said onboard program ~~or not~~, said server

5   compares the memory content of said onboard controller and a

memory content of a master file, and checks the vehicle condition

data of said vehicle, and when contents ~~thereof~~ of the vehicle

condition data indicate that said vehicle is located at a

specified position, said server executes the rewrite processing.

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Response to Office Action

19. (New) The apparatus according to claim 1, wherein the
rewriting of the onboard program is controlled by a server that
is separate from the vehicle and that is connected thereto by a
communication system.

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